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10/661,140

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Jeffrey George

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27305

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01/28/2008

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EXAMINER

HYLINSKI, STEVEN J

ART UNIT

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3714

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/661,140

Applicant(s)

GEORGE ET AL.

Examiner

Steven J. Hylinski

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments filed 12/17/2007 have been fully considered but they are not persuasive.

2. Paragraphs 20-22 of Walker disclose that employees of the casino work with a computer system in order to determine an offer and present it to targeted recipients on the casino floor. This type of marketing scenario meets the definition of a marketing event. Also, Paragraphs 51-56 of Walker disclose that the central computer system updates its database with the location and other related information of each player that is available to be approached for marketing purposes. This meets the limitation of establishing a set of targeted players whose attendance at the marketing event is established through a remote device (the players indicate their location such as disclosed in Paragraph 72) and storing in a database at the host computer. Walker further discloses that the players can all be at the common location of a casino (Paragraphs 20-22 discloses that the employees and the players who may be targeted by the employees, are in a casino. Also, Paragraph 80 indicates that the central computer is triggered that a player has become available to be identified by the marketing system the moment he has entered the casino property.) Walker discloses having common locations for marketing events (Fig. 8, video poker room, lobby, etc), within a larger facility (the casino disclosed such as in Paragraph 3).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claims 1-2, 6-31, 33-34, and 38-641 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2007/0087810 to Walker et al. (Walker).**

**Regarding Claims 1 and 33,**

Walker discloses a remote system and method for use with a gaming system, for establishing attendance of a plurality of players at an event (Paragraph 56, for establishing the identity and current location of a player in the casino, also shown in Fig. 5, and Paragraph 73, the player's precise location in the casino can be determined), the event occurring at a common location (Fig. 5, current locations **570** are all locations where the players may be within the casino, also Paragraph 20 discloses that the players are located within the casino, and Paragraph 37 discloses that players are located at gaming devices within the casino), the remote system comprising: a remote device (Paragraph 20, a wireless electronic device carried by casino employees), embodied in a mobile computer (Paragraph 45, a PDA such as a Palm, Handspring, or Blackberry, or a tablet or notebook computer, cell phone, etc.) which may be carried by a user who is not one of the players (Paragraphs 20, 23, the PDA device is carried by a casino employee or an employee of a business, not by the players, who are located at gaming machines and tables), for receiving player identification information related to

each player (Paragraph 56, the casino employee's PDA can show player identification information such as a player ID numbers **540**, player names **550**, current locations within the casino **570**, win information **560**, and other notes **580** in attendance at the common location input by the user, the user being located at the common location (Paragraph 37 and Fig. 3, casino locations **570** are established when the player identifies his or her location by logging on to the networked gaming machines using a player tracking card); and a host computer (Paragraph 25 and Fig. 1, central computer **110**) coupled to the remote device (Paragraph 25, representative devices **140**) through a remote network interface (through a communications network **120**) through a wireless connection (Paragraph 25 and 28, through a wireless connection) for defining a set of targeted players for the marketing event (Fig. 11 1110, determine the recipient to target, Paragraphs 73-74, players can be targeted either individually or as a group) as a function of a set of predetermined conditions (Paragraph 56, different characteristics of a player such as the amount won during a gaming session, interests, hobbies, name, etc are predetermined conditions used to target the player) and establishing the common location (Fig. 8, common locations where players may be targeted include, for example, the video poker room, or the lobby), the common location being within a larger facility (these locations are within the casino, as disclosed in Paragraphs 4, 20, 22, etc) for receiving the identification information from the remote device (Paragraph 27) and storing the players' attendance in a database located at the host computer (Paragraph 27, the gaming devices may transmit information about the player's gaming activities, which Fig. 3 shows include location **570**, to the central computer **110** through the

communications network **120**) if the player is one of the targeted players (Paragraphs 80-87, the player's performing a trigger event, such as entering the casino property, initiating a gaming session on a gaming machine, manually identifying his location by asking "give me an offer", etc., causes the player's attendance location to be updated and stored in the system).

**Regarding Claims 2 and 34,**

Walker discloses a remote system and method, the remote device for establishing an ID number of an ID card of each player in attendance, the identification information including the ID number of the player ID card of each player in attendance (paragraph 56, the identification information includes player ID number **540**, Paragraph 73, the player's ID number can be sourced from the player's tracking card).

**Regarding Claims 6 - 13 and 38 – 44,**

Walker discloses a remote system and method including a processor (Fig. 3 **310**) and web client for interaction with the user (Paragraphs 25 and 28, any of the devices, including the mobile computer **140** carried by the casino representatives, can communicate using the Internet. It is inherent then that a web client must exist in order for communication using the internet to function, also it is disclosed in Paragraph 45 that the mobile computer can be a Blackberry, which has a web client), the web client for acquiring input from the user (Paragraph 57, the casino representative can input information) and formatting and presenting data to the user (Fig. 5, the representative can receive various types of data about the player, Paragraph 75, the casino

representative can fill in a form to obtain the player data), and sending an attendance form, fillable with the identification from the user, accessible through the web client for accepting identification information to a user fillable form (Paragraph 37, the player establishes his attendance at a gaming machine by logging in using a player tracking card, which the casino representative receives as part of the information displayed to him, as in Fig. 5) with identification information by the user including an identification card number (Paragraphs 56 and 73, player ID number **540** from a player tracking card) and determines whether the identification information is valid (Paragraph 75, it is inherent that the system must determine whether the ID obtained from the swipe card is valid, when the casino representative swipes it, in order for the system to be functional).

**Regarding Claims 14- 17 and 45- 48,**

Walker discloses a remote network interface for sending gaming machine information to a database for storing as a function of the identification information if the identification information is valid (Fig. 1 and Paragraph 27), including a card reader connected to the remote device for reading an identification card number from a player identification card (Paragraphs 37 and 75, both the gaming machines and the mobile computer **140** have card readers that can read the player's tracking card), where a device identification number is associated with the gaming machine if the identification information is valid (Paragraph 56, the player's tracking card number is associated with the gaming machines the player has used), where player attendance information is retrieved from the database as a function of the device identification number, where player identification information is associated with the player playing the game

(Paragraph 56), and where the remote network interface is coupled to the database for retrieving and storing data (Fig. 1 and Paragraph 27).

**Re Claims 18-19 and 49-50,**

Walker discloses a remote network interface coupled to the database (Fig. 4 **400**, also see Paragraphs 51-54) for retrieving and storing data thereon (Paragraph 54, player database **455** and offer determination database **460**), the database for storing data in tables (Paragraph 56, also Fig. 5, tabular data storage of player and offer determination information, on the databases).

**Re Claims 20-21 and 51-52,**

Walker discloses a plurality of first data object coupled to the database tables (Figs. 5 and 9, player IDs **540/940**), and at least one second data object coupled to the first data objects (Fig. 6, different offer conditions based on the different player's activities), for assembling multiple first data objects into a third data object (Fig. 6, an offer identifier number **650**, which can be used to correlate to the offer identifiers **760** in Fig. 7).

**Re Claims 22 and 53,**

Walker discloses the third object coupled to the remote network interface for receiving queries from the remote network interface (Paragraph 167, the offer identifier number **650** can be displayed on the casino representative's PDA, Paragraph 174, the casino representative can indicate whether or not the player accepted), retrieving responsive data from the database (paragraph 108), formatting the responsive data



(Data is placed into tables such as those shown in Fig. 5-9) and returning the responsive data to the remote network interface (Paragraph 108).

**Regarding Claims 23-27 and 54 - 58,**

Walker discloses a remote network interface (Fig. 1, communications network 120) for receiving the responsive data and transmitting the responsive data to the remote device (representative device or mobile computer 140), a remote device including a processor (Fig. 1 140 and Fig. 3) and a web client for interaction with a user (Paragraphs 25 and 28, the mobile computer 140 can communicate with the server using the internet, and also Paragraph 45, the mobile computer may be a Blackberry, which has a web client) and an interface for formatting responsive data into a hyper text mark-up language response for display by the web client (Paragraphs 27-28, the server may interact with the mobile computer over the internet, also Paragraph 45, the mobile computer may be a Blackberry, which it is well-known can process html-coded web pages), including a plurality of servlets (Paragraph 45 states the mobile computer can be a Blackberry. It is well-known that Blackberries can interact with web-enabled servers, such as Walker's web-enabled server described in paragraph 25-27, by using servlets, to provide functionality to the user), a login layer (Paragraph 165, the casino representative may have to log into the mobile computer), and a menu layer (Paragraph 61, the casino representative receives a list of options for interacting with the player).

**Regarding Claims 28 - 31 and 59 - 64,**

Sarno discloses a remote system where a user has an assigned type working with a menu layer for allowing and restricting access to servlets (paragraph 161,

different types of player information that may be communicated to the mobile computer from the database) as a function of the assigned type (Paragraph 161 and 165, different casino employees have different levels of access to the menus, based on their level of clearance), a player name, a player identifier (Paragraph 56, player name and ID are information that representatives can access, Paragraph 161, which may or may not be available to certain level employees), a gaming machine identifier (Paragraph 56), including a remote device to display the player attendance information (Paragraph 45) ,and retrieve player information if the identification card number is valid (Paragraph 75).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 3-5 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2007/0087810 to Walker, in view of OFFICIAL NOTICE.**

Walker discloses all of the limitations of parent claims 1 and 33. However, Walker lacks explicitly disclosing the wireless network using an IEEE 802.11(b) or (g) standard.

One of ordinary skill in the art recognizes that wireless Ethernet and 802.11 are synonymous and interchangeable terms in the art, for network protocols, and that (b) and (g) versions were exceedingly common and well known at the time of the invention.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used IEEE 802.11(b) and (g) standards for the wireless

connection disclosed by Walker, because Walker explicitly states that the wireless connection can be an Ethernet connection, and IEEE 802.11(b) and (g) are the most common standards for wireless Ethernet.

**3. Claims 32 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2007/0087810 to Walker, in view of USPN 6,852,031 to Rowe.**

Walker discloses all of the claims 16 and 33, upon which claims 32 and 65 depend. However, Walker lacks the remote network interface instructing the remote display to display an error message if the identification information is invalid.

Rowe et al. teaches an analogous network for tracking players in a casino (abstract). Rowe discloses the remote network interface instructing the remote display to display an error message if the identification is invalid (Fig. 5, **500** the gaming machine detects the ID card, **505** determines if the ID card is valid, and **510** displays an error message if it is not valid).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have incorporated the teaching of Rowe into the analogous method and device of Walker, in order to inform the casino representative or the player when the ID card was not valid (Walker, Paragraph 75, a magnetic swipe reader may be used to read the card. It is very well known for magnetic swipe readers to misread cards and require re-swiping the card to obtain the correct information).

***Conclusion***

5. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the

grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Hylinski whose telephone number is 571-270-1995. The examiner can normally be reached on M-Thurs. 7:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/SJH/ 01/17/2008



**JOHN M. HOTALING, II  
PRIMARY EXAMINER**